

Senate File 374 - Introduced

SENATE FILE _____
BY HANCOCK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing regions within the state to participate in a
2 pilot project for regional emergency response districts and
3 providing for a district tax levy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2394SS 82
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1 1 REGIONAL EMERGENCY RESPONSE DISTRICT
1 2 Section 1. AUTHORIZATION AND PURPOSE. This Act authorizes
1 3 four pilot projects for which a region of the state may
1 4 establish a regional emergency response district.
1 5 The purpose of this Act is to provide regions within the
1 6 state an opportunity to participate in a pilot project having
1 7 a new governance structure to facilitate the delivery and
1 8 funding of fire protection service and emergency medical
1 9 service to residents of the region.
1 10 Sec. 2. DEFINITIONS. As used in this Act, unless the
1 11 context otherwise requires:
1 12 1. "Board" means the board of supervisors of a county.
1 13 2. "Commission" means a county emergency management
1 14 commission created pursuant to section 29C.9.
1 15 3. "District" means a regional emergency response
1 16 district.
1 17 Sec. 3. PETITION FOR PUBLIC HEARING.
1 18 1. The board of supervisors of any county or counties
1 19 shall, on the petition of 25 percent of the resident property
1 20 owners in any proposed district if the assessed valuation of
1 21 the property owned by the petitioners represents at least 25
1 22 percent of the total assessed value of the proposed district,
1 23 or on a motion of the township trustees, or on the board's own
1 24 motion, hold a public hearing concerning the establishment of
1 25 a proposed district. The petition shall include a statement
1 26 containing the following information:
1 27 a. The need for fire protection service and emergency
1 28 medical service.
1 29 b. The geographic boundaries of the district to be served.
1 30 c. The approximate number of families in the district.
1 31 d. The proposed personnel, equipment, and facilities to
1 32 provide the fire protection service and emergency medical
1 33 service.
1 34 2. The board of supervisors shall notify the state fire
1 35 marshal's office that a petition has been filed, or a board
2 1 motion adopted, to form a district.
2 2 Sec. 4. REGIONAL DISTRICT. The boundary lines of the
2 3 district may include any region of the state, such as a whole
2 4 county having both unincorporated and incorporated areas, or
2 5 any townships within a county, or adjoining townships located
2 6 in more than one county.
2 7 Sec. 5. TIME OF HEARING. The public hearing required in
2 8 section 3 shall be held within 30 days of the presentation of
2 9 the petition. Notice of hearing shall be given by publication
2 10 in two successive issues of any newspaper of general
2 11 circulation within the district. The last publication shall
2 12 be not less than one week before the proposed hearing.
2 13 Sec. 6. DISTRICT ESTABLISHED == PLAN == PILOT AUTHORIZED.
2 14 1. Within 10 days after the hearing, the board shall
2 15 either establish the district by resolution or disallow the
2 16 petition.
2 17 2. Within 10 days after establishing a district, the board
2 18 shall submit a plan to the state fire marshal's office and the
2 19 county finance committee. The plan shall include all of the

2 20 following:

2 21 a. Personnel, equipment, facilities, and other available
2 22 resources that may be shared by all of the various fire
2 23 departments and emergency medical service providers within the
2 24 district.

2 25 b. Financial information demonstrating the ability to
2 26 provide fire protection service and emergency medical service
2 27 to the residents of the district.

2 28 c. A plan for transition of delivery and funding of fire
2 29 protection service and emergency medical service to the new
2 30 district.

2 31 3. The county finance committee shall review the
2 32 district's financial information, including revenues,
2 33 expenditures, and budget items as well as the financial
2 34 implications and plan for transitioning to a new financing
2 35 structure. Within 30 days after receiving the plan, the
3 1 county finance committee shall report its findings to the
3 2 state fire marshal.

3 3 4. The state fire marshal shall consider the county
3 4 finance committee's findings and review the district's
3 5 personnel, equipment, facilities, and other available
3 6 resources that may be shared by all of the various fire
3 7 departments and emergency medical service providers as well as
3 8 the practical considerations and plan for transitioning to a
3 9 new structure for delivering fire protection service and
3 10 emergency medical service to the district. The state fire
3 11 marshal shall determine whether the district can successfully
3 12 deliver fire protection service and emergency medical service
3 13 throughout the district.

3 14 5. Within 60 days of receiving the board's plan, the state
3 15 fire marshal shall notify the board whether the board's plan
3 16 is approved.

3 17 Sec. 7. PILOT PROJECT == TWO YEARS == REPORT.

3 18 1. A district established by the board and having an
3 19 approved plan by the state fire marshal under section 6 is
3 20 authorized to proceed and continue as a pilot project for two
3 21 years beginning on July 1 of the fiscal year following the
3 22 date of the board's resolution establishing the district.

3 23 However, if the date of the board's action falls after
3 24 November 1, the pilot project shall not begin until July 1 of
3 25 the fiscal year subsequent to the next following fiscal year.

3 26 2. At the end of two years, the commission shall submit a
3 27 report to the state fire marshal summarizing the results of
3 28 the pilot project, including the strengths of the project,
3 29 whether delivery of fire protection service and emergency
3 30 medical service was improved throughout the district, and
3 31 additional measures needed to improve the delivery of such
3 32 services.

3 33 Sec. 8. ENGINEER.

3 34 1. When the pilot project is approved, the board shall
3 35 appoint a civil engineer or county engineer who shall prepare
4 1 a preliminary plat showing:

4 2 a. The proper design in general outline of the district.

4 3 b. The lots and parcels of land within the proposed
4 4 district as they appear on the county auditor's plat books
4 5 with the names of the owners.

4 6 c. The assessed valuation of the lots and parcels.

4 7 2. The board shall determine the compensation for the
4 8 engineer's preliminary investigation. The engineer shall file
4 9 a report with the county auditor within 30 days of
4 10 appointment. The board may extend the time upon good cause
4 11 shown.

4 12 Sec. 9. HEARING ON ENGINEER'S REPORT. After the
4 13 engineer's report is filed, the board shall give notice, as
4 14 provided in section 5, of a public hearing to be held
4 15 concerning the engineer's preliminary plat. Within 10 days
4 16 after the hearing, the board shall, by resolution, approve or
4 17 disapprove the engineer's plan.

4 18 Sec. 10. ELECTION ON PROPOSED LEVY. When a preliminary
4 19 plat has been approved by the board, an election shall be held
4 20 within the district within 60 days to approve or disapprove
4 21 the levy of a tax of not more than \$1.60 and 3/4 cents per
4 22 \$1,000 of assessed value on all of the taxable property within
4 23 the district. The ballot shall set out the reason for the tax
4 24 and the amount needed. The tax shall be set to raise only the
4 25 amount needed. Notice of the election, including the time and
4 26 place of holding the election, shall be given as provided in
4 27 section 5. The vote shall be by ballot which shall state
4 28 clearly the proposition to be voted upon and any registered
4 29 voter residing within the district at the time of the election
4 30 may vote. The county auditor shall conduct elections held

4 31 pursuant to this Act. The proposition is approved if a
4 32 majority of those voting on the proposition vote in favor of
4 33 it.

4 34 Sec. 11. GOVERNANCE AUTHORITY == COMMISSION. The district
4 35 shall be governed by the county emergency management
5 1 commission established in chapter 29C.

5 2 If the district includes townships located in more than one
5 3 county, the district shall be governed by a joint commission
5 4 that includes members of the commissions of each county.

5 5 Sec. 12. COMMISSION POWERS.

5 6 1. The commission may purchase, own, rent, or maintain
5 7 fire and emergency medical services apparatus or equipment
5 8 within the state or outside the territorial jurisdiction and
5 9 boundary limits of this state, provide housing for such
5 10 apparatus and equipment, provide fire protection service and
5 11 emergency medical service and facilities, and may certify for
5 12 levy an annual tax as provided in section 10. The commission
5 13 may purchase material, employ fire protection service
5 14 personnel, emergency medical service personnel, and other
5 15 personnel, and may perform all other acts necessary to
5 16 properly maintain and operate the district. The commission
5 17 may contract with any city or county or public or private
5 18 agency under chapter 28E for the purpose of providing fire
5 19 protection service or emergency medical service under this
5 20 Act. The commissioners are allowed necessary expenses in the
5 21 discharge of their duties.

5 22 2. The commission shall draw the boundaries of fire and
5 23 emergency medical services areas within the district to be
5 24 assigned to various fire departments and stations throughout
5 25 the district.

5 26 Sec. 13. REGIONAL FIRE CHIEF. The commission shall
5 27 appoint a regional fire chief who shall serve at the pleasure
5 28 of the commission and shall be responsible for the
5 29 coordination of fire protection service and emergency medical
5 30 service throughout the district.

5 31 Sec. 14. FIRE CHIEFS. The regional fire chief shall
5 32 appoint an assistant fire chief for each existing fire
5 33 department and station within the district who shall be
5 34 responsible for delivery of fire protection service and
5 35 emergency medical service within the areas designated by the
6 1 commission pursuant to section 12.

6 2 Sec. 15. CITIES WITHIN THE DISTRICT. If a city is
6 3 included in a district, the maximum tax levy authorized for
6 4 the general fund of that city under section 384.1 shall be
6 5 reduced by the amount of the tax rate levied within the city
6 6 by the district. Such city shall not be responsible for
6 7 providing fire protection service and emergency medical
6 8 service as provided in section 364.16, and shall have no
6 9 liability for the method, manner, or means by which the
6 10 district provides the fire protection service and emergency
6 11 medical service.

6 12 Sec. 16. BONDS IN ANTICIPATION OF REVENUE. A district may
6 13 anticipate the collection of taxes by the levy authorized in
6 14 this Act, and to carry out the purposes of this Act may issue
6 15 bonds payable in not more than 10 equal installments with the
6 16 rate of interest not exceeding that permitted by chapter 74A.
6 17 An indebtedness shall not be incurred under this Act until
6 18 authorized by an election. The election shall be held and
6 19 notice given in the same manner as provided in section 10, and
6 20 a majority vote shall be necessary to authorize indebtedness.
6 21 Both propositions may be submitted to the voters at the same
6 22 election.

6 23 Sec. 17. TRANSITION == TOWNSHIP TAX DISCONTINUED. When
6 24 the boundary lines of the district include all or a portion of
6 25 a township and the district has certified a tax levy not
6 26 exceeding \$1.60 and 3/4 cents per \$1,000 of assessed valuation
6 27 of the taxable property within the township for the purpose of
6 28 fire protection service and emergency medical service, the
6 29 township trustees shall no longer levy the tax provided by
6 30 section 359.43 in that portion of the township provided
6 31 services by the district. Any indebtedness incurred for the
6 32 purposes of sections 359.42 through 359.45 for a service now
6 33 provided by the district shall be assumed by the district and
6 34 all of the assets of the township which relate to the
6 35 fire-fighting operation and emergency medical service
7 1 operation shall be transferred to the district.

7 2 Sec. 18. NEW SECTION. 29C.9A GOVERNANCE FOR REGIONAL
7 3 EMERGENCY RESPONSE DISTRICT PILOT PROJECT == TAX LEVY. The
7 4 commission shall govern a regional emergency response district
7 5 established pursuant to this Act. The commission may certify
7 6 for levy an annual tax of not more than one dollar and sixty

7 7 and three-fourths cents per thousand dollars of assessed value
7 8 on all of the taxable property within such regional emergency
7 9 response district.

7 10 EXPLANATION

7 11 This bill allows a region of the state to participate in a
7 12 pilot project that provides for a new governance structure for
7 13 the delivery of fire protection and emergency medical services
7 14 to the residents of the region. The bill authorizes four
7 15 pilot projects for which a region of the state may establish a
7 16 regional emergency response district. The bill provides
7 17 procedures to establish a district that are similar to the
7 18 procedures found in Code chapter 357F for establishing an
7 19 emergency medical services district, including the initial
7 20 petition for a public hearing filed by the resident property
7 21 owners of the proposed district. The bill also allows a
7 22 public hearing on a proposed district based upon a petition by
7 23 the township trustees or the county board of supervisors' own
7 24 motion.

7 25 The boundaries of the district may include a whole county,
7 26 both unincorporated and incorporated areas, and may also
7 27 include townships within a county, or adjoining townships
7 28 located in different counties.

7 29 Once a public hearing is held, the bill provides that the
7 30 board of supervisors may establish the district by resolution.
7 31 The bill provides that the board submit a plan to the state
7 32 fire marshal's office and the county finance committee that
7 33 includes all of the following:

7 34 1. Personnel, equipment, facilities, and other available
7 35 resources that may be shared by all of the various fire
8 1 departments and emergency medical service providers.

8 2 2. Financial information demonstrating the ability to
8 3 provide fire protection service and emergency medical service
8 4 to the residents of the district.

8 5 3. A plan for transitioning to the new district.

8 6 The bill provides that after the county finance committee
8 7 has reviewed the financial information and reported its
8 8 findings to the state fire marshal, the state fire marshal
8 9 shall review the findings as well as the personnel, equipment,
8 10 facilities, and other resources of the district to determine
8 11 whether the district can successfully deliver services
8 12 throughout the district.

8 13 A district established by the board and having an approved
8 14 plan by the state fire marshal is authorized to proceed and
8 15 continue as a pilot project for two years beginning on July 1
8 16 of the fiscal year following the date of the board's
8 17 resolution establishing the district. However, if the date of
8 18 the board's action falls after November 1, the pilot project
8 19 shall not begin until July 1 of the fiscal year subsequent to
8 20 the next following fiscal year.

8 21 The bill requires that at the end of two years, the
8 22 commission shall submit a report to the state fire marshal
8 23 summarizing the results of the pilot project, including the
8 24 strengths of the project, whether delivery of fire protection
8 25 service and emergency medical service was improved throughout
8 26 the district, and additional measures needed to improve the
8 27 delivery of such services.

8 28 The bill provides for an engineer to prepare a preliminary
8 29 plat of the district, which after public hearing, shall be
8 30 approved or disapproved by the board.

8 31 The bill provides for an election within the district to
8 32 approve or disapprove the levy of a tax of not more than \$1.60
8 33 and 3/4 cents per \$1,000 of assessed value on all the taxable
8 34 property within the district.

8 35 The bill provides that the district be governed by the
9 1 county emergency management commission for the county as
9 2 created pursuant to Code section 29C.9 whose membership is
9 3 composed of a member of the board of supervisors or its
9 4 appointed representative, the sheriff or the sheriff's
9 5 representative, and the mayor or the mayor's representative
9 6 from each city within the district. If the district includes
9 7 townships located in more than one county, the district shall
9 8 be governed by a joint commission that includes members of the
9 9 commissions of each county. The commission is authorized to
9 10 certify for levy an annual tax as approved at election. The
9 11 commission is also directed to draw the boundaries of
9 12 emergency services areas within the district to be assigned to
9 13 various fire departments and stations throughout the district.
9 14 The bill provides that the commission appoint a regional fire
9 15 chief who shall serve at the pleasure of the commission and
9 16 shall be responsible for the coordination of fire protection
9 17 service and emergency medical service throughout the district.

9 18 The regional fire chief shall appoint an assistant fire
9 19 chief for each existing fire department and station within the
9 20 district who shall be responsible for delivery of fire
9 21 protection service and emergency medical service within the
9 22 areas designated by the commission.
9 23 The bill provides that the district may issue bonds if the
9 24 indebtedness is authorized by election.
9 25 Finally, the bill provides a transition provision from
9 26 township-funded fire protection and emergency medical services
9 27 to funding by the newly created district. The bill also
9 28 provides that any indebtedness incurred by the township
9 29 trustees for these services shall be assumed by the district
9 30 and all of the assets of the township which relate to the
9 31 fire-fighting operation and emergency medical services
9 32 operation shall be transferred to the district.
9 33 LSB 2394SS 82
9 34 eg:sc/es/88